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Full Text of California Initiative

Initiative Title **CHIROPRACTIC ACT**

Sec. of State # 1930-c-1

Year 1930

Qaulified? Failed to Qualify

PDF file link [PDF File Link](#)

Summary

CHIROPRACTIC ACT. Initiative. Regulates the practice and licensing of **chiropractic**; creates board of examiners; provides for appointment, tenure, compensation and duties of members; exempts employees from Civil Service; fixes educational requirements and other qualifications for licenses; provides for issuance, suspension and revocation of licenses; defines - **chiropractic**; provides for investigation and approval of **chiropractic** schools; provides penalties for violations of act; creates examiners fund and provides for disbursements therefrom; provides for construction with state medical practice act, and repeals **chiropractic** initiative act of 1922 and other acts inconsistent herewith.

Initiative Text

The proposed law and act is as follows:

An act to regulate the practice of Chiropractic and establish a State Board of **Chiropractic** Examiners and providing for the appointment of the members thereof and prescribing their tenure, compensation, powers, duties, purposes, privilege, responsibilities and jurisdiction, and providing for the election of officers thereof, and employment of persons thereunder and relating to their functions and powers, and defining the practice of **Chiropractic** and requiring a license for such practice, and relating to the terms and conditions for the issuance, revocation and suspension of such licenses, and relating to the rights, powers, privileges and responsibilities of persons licensed hereunder, and defining **Chiropractic** Colleges and providing for inspection, regulation and approval of **Chiropractic** Schools, Colleges and Institutions, and relating to the rights and privileges of approved schools, and providing for, relating to, and prescribing the procedure for, hearings before the board relative to the issuance, revocation and suspension of licenses, the taking of examinations, and the approval of schools, and providing for appeals from and review of the orders of the board and relating to actions against the board, and providing for the receipt, disposition and use of moneys thereunder and creating the State Board of **Chiropractic** Examiners' fund and providing for the payment of the expenses of administration and enforcement of said act therefrom, and relating to its construction with the State Medical Practice Act, and providing penalties for the violation of said act and specifying a short title therefor, and repealing that certain act entitled, "An Act prescribing the terms upon which licenses may be issued to practitioners of **chiropractic**", creating the state board of **chiropractic** examiners and declaring its powers and duties, prescribing penalties for violation hereof, and repealing all acts and parts of acts inconsistent

herewith," submitted by the initiative and approved by electors November 7, 1922, and in effect December 21, 1922, and all other acts and parts of acts inconsistent herewith.

The People of the State of California do enact as follows:

Section 1. A board is hereby created to be known as the State Board of **Chiropractic** Examiners hereinafter referred to as the board which shall consist of five members appointed by the Governor. Within sixty days after the date upon which this act becomes effective the governor shall appoint the first members of said board. Of the members first appointed one shall be appointed for a term of office expiring on January 1, 1932, two for a term of office expiring on January 1, 1933, and two for a term of office expiring January 1, 1934. Thereafter the term of office of each member of said board shall be three years and a new term of and for each such office shall commence on and every succeeding three years after the above respective specified dates, and, subject to the provisions herein contained as to an appointment (a) to fill a vacancy, and (b) vice an incumbent who has held over after the herein prescribed expiration of the term of the office for or during which he was appointed, appointments shall be made for the term of three years. Said three year term of office is hereby declared to be an incident of the office and shall not be construed as personal to the incumbent or appointee and the rotation in office herein provided for shall be and remain inviolate. An appointment to fill a vacancy occurring from any cause now or hereafter specified in section 996 of the Political Code of this state shall be made for the then remaining unexpired portion of the herein prescribed term of such vacant office during which the appointment to fill the same is made. Every person appointed a member of said board shall serve until his successor has been appointed and qualified. An appointment vice any member who has so held over after the expiration of the term of the office for or during which he was appointed shall be made for the then remaining unexpired portion of the herein prescribed term of such office during which the appointment of such successor is made.

The persons who, on the date this act becomes effective, are, as appointees of the governor under or by reason of the existence of that certain act in section 26 hereof repealed, exercising the powers, functions, duties, responsibilities and jurisdiction of that certain board created and provided for in said act herein repealed or then acting as members of said latter board, shall be and become and are hereby appointed the temporary members of the board herein created and the said temporary board and the members thereof and the then existing and all hereunder subsequently elected officers thereof and all persons employed thereby or thereunder shall have all and the same powers, duties, responsibilities and jurisdiction herein vested in or conferred upon the board herein created or the members or officers thereof or persons employed thereby or thereunder, respectively, as herein provided.

Each said temporary member of said board shall serve until his successor is appointed and qualifies as herein provided. In appointing the first members of the board the governor shall designate the office, by specifying the date of expiration of the term thereof, to which he is so appointing the first member and the date so specified must, irrespective of the date of appointment, be one of the dates above set forth or a date on which the term of such office, during which such appointment is made, would have expired hereunder had the appointment of the first member thereof been made within the time herein directed.

Each member of the board including said temporary members hereby appointed shall before entering upon the duties of his office take and file with the Secretary of State, the constitutional oath or affirmation of office.

The governor may remove from office any member of said board for neglect of duty, unprofessional conduct or incompetency. Prior to such removal, the accused must be given reasonable notice of the matter of which complaint is made and of a time and place when a hearing thereof will be had. The governor or his secretary may issue all necessary subpoenas and administer oaths to witnesses and take testimony in connection with such hearing.

Sec. 2. No person shall be appointed by the governor a member of said board after the date upon which this act becomes effective unless such person:

- (a) Is a graduate of and holds a diploma from a **chiropractic** college;
- (b) Has and holds a valid license issued to him under the provisions of this act;
- (c) Has practiced **chiropractic** in this state for three years continuously next preceding the date upon which his appointment becomes effective under a valid license issued under this act, provided, however, that any person appointed prior to January 1, 1934 need only so have continuously practiced under and after obtaining a license under this act within sixty days after the date upon which this act becomes effective;
- (d) Is not and has not for at least one year next preceding the date upon which his appointment becomes effective been an officer, instructor, or member of the faculty of any **chiropractic** school, college or institution.

No person shall be appointed by the governor a member of said board who is a resident of the same county of this state as any two other previously appointed members of said board then in office or about to take office.

Sec. 3. Regular meetings of the board shall be held at the times and places specified in section 12 hereof for the holding of examinations. The regular meeting held in February of each year at Sacramento shall be known as the annual election meeting. The president may call such special meetings as he may deem necessary. The secretary must give reasonable notice to each member of the board of the time and place when and where each special meeting so called by the president will be held.

The member of said board first appointed by the governor hereunder must, within thirty days after his appointment call an organization meeting and give reasonable notice to each member of the board of the time and place when and where the same will be held.

At the organization meeting and at each succeeding said annual election meeting the board shall elect from among its members a president, vice-president, and secretary and said officers so elected shall serve until the next succeeding annual election meeting. Any vacancy occurring among such officers during the year or between said elections may be filled by the board at any regular or special meeting thereof. A majority of the board shall constitute a quorum for the transaction of all business. The affirmative vote of three members of said Board shall be necessary to adopt any rule of procedure and practice, to pass any order affecting or relating to a license or certificate of approval and to carry any motion or resolution other than a motion to adjourn.

The president shall act as chairman and shall preside over all meetings. In the event of his absence or inability or refusal to act the vice president shall so act.

The secretary shall keep a record of all meetings and proceedings of the board and of all applications made and licenses and certificates issued hereunder and of such other matters and things as the board may direct, and a record and docket of all proceedings had and orders made at or in connection with all hearings held before the board, which records, docket and the seal of the board shall at all times be in his custody, possession and control and open to public inspection during regular business hours at his office. The board shall adopt a seal which the secretary shall affix to all licenses and certificates issued hereunder and to all orders made at or in connection with any hearing held before the board and to such other papers, documents and official acts of the board as the board may direct.

All applications, licenses, certificates, and orders of the board at or in connection with any hearing provided for herein, and such other documents and papers as the board may require, shall be prepared by the secretary and shall be in such form, and contain such matters as the board, in carrying out the respective provisions and intent of this act, may direct. The secretary shall, without charge, furnish to every person upon request a form of any application herein provided for and every application made pursuant to the provisions of this act must be in the form so prepared and furnished by the secretary and must be verified by the oath of the applicant.

The secretary shall during February of each year succeeding 1932 compile a directory and statistical booklet containing the name and last known address of every person holding a valid license issued hereunder, and a list of all applications made and licenses and certificates issued hereunder during the preceding year, a summary of the proceedings had and action taken at any hearing held before the board during the preceding year, and a copy of the last fiscal report provided for in section 3a hereof and such other matters as the board may direct. The secretary shall, without charge, mail a copy of said directory and booklet so prepared by him to each person holding a valid license hereunder and to state and county officers upon request and upon receipt of Two Dollars therefor to such other persons as may request the same.

The board may employ, prescribe the work and duties and fix the compensation of an assistant secretary who shall be exempt from all provisions of law relating to civil service.

All records, documents, moneys and property of every kind now or hereafter held or possessed by the board herein created or the board existing under that certain act in section 26 hereof repealed, shall at all times remain in the exclusive custody, possession and control of the board herein created.

Sec. 3a. The secretary of the board shall upon request of the governor furnish him with a fiscal report containing data and information sufficient to enable the governor to comply with Article 4 of Sec. 34 of the Constitution.

Sec. 4. Each member of the board except the secretary shall receive a per diem compensation of ten dollars per day for each day during which he is actually engaged in the performance of his duties hereunder including actual and necessary time spent in connection therewith in traveling to and from his place of residence, together with his actual and necessary traveling and incidental expenses incurred or paid in connection therewith. The member of the board elected and serving as secretary shall receive a salary in such amount, not exceeding five thousand dollars per annum, as may be fixed by the board together with his actual and necessary traveling and incidental expenses incurred or paid in connection with the performance of his duties. The secretary shall give a bond payable to the State of California in such penal sum and in such form and containing such conditions and with such sureties thereon as said board may require and approve. The board may require a similar bond from any person employed by it hereunder. All bonds so required including the bond of the secretary, shall be filed with the secretary of state.

Sec. 5. The principal office of the board shall be in the city of Sacramento and the secretary of said board shall maintain his office in said place. Branch offices of the board may be established in the city and county of San Francisco and in the city of Los Angeles and the board may cause copies of such of its records to be kept at either of said branch offices as it may deem necessary.

Sec. 6. The board shall have power to purchase or direct the purchase and pay for all necessary equipment and material and to pay all incidental expenses incurred by said board in carrying out the provisions of this act.

Sec. 7. The board shall have power to employ, discharge, fix the compensation and prescribe the work and duties of such inspectors and special agents as it shall deem necessary for the adequate enforcement of the provisions of this act. The members of the board and all inspectors and

special agents appointed by it shall have all the powers and duties of peace officers in the performance of their duties hereunder and in connection with the carrying out and enforcement of the provisions of this act and shall have the right at all reasonable hours and intervals to inspect all business offices and places wherein **chiropractic** as herein defined is practiced or whereat any such person has reasonable grounds to believe the same is so practiced.

Whenever, from evidence presented by the board or otherwise, it appears that any person has violated any of the penal provisions of this act it shall be the duty of the district attorney in whose county such violation has occurred, upon the presentation of such evidence, to immediately prosecute such person.

The board shall have power to employ, discharge, fix the compensation and prescribe the work and duties of such attorneys as it may deem necessary. All attorneys employed by the board shall furnish such legal services, including where a district attorney so requests, the rendering of legal services to any district attorney in connection with any prosecution hereunder, as the board may require, direct and prescribe.

All special agents, investigators and attorneys employed by the board shall be exempt from the provisions of all the civil service laws of this state.

Sec. 8. The board shall have power to employ, discharge, prescribe the work and duties and fix the compensation of such deputies, assistants, stenographers and clerical helpers as the board shall deem necessary and any such person so employed by the board may be an officer or employee of the department of professional and vocational standards when in the judgment of the board the same will tend to eliminate duplication or expense. The board may compile, or employ a person, who may be the director of the department of professional and vocational standards, to compile, data and a report of its work and business as shown by its records, documents and files, which data and report the board may present or cause to be presented by the person so employed by it, to the governor at any meeting of the governor's council.

The board shall have power to employ, discharge, prescribe the work and duties and fix the compensation of such examiners as it may deem necessary for the holding and conduct of examinations given under section 12 hereof and the grading of examination papers thereof. All examiners so employed must hold valid licenses issued hereunder and shall be exempt from all provisions of law relating to civil service.

Sec. 9. The board shall have power to formulate and from time to time to adopt, amend and repeal rules of procedure and practice, not inconsistent herewith, governing the conduct of examinations, the conduct of its meetings, the dispatch of its functions, duties, work and business, the hiring, employment, conduct, tenure, salaries and discharge of its employees exempt hereunder from the provisions of law relating to civil service and such other rules of procedure and practice as may be legal, necessary and proper.

Sec. 10. Subject to the provisions of section 18 hereof, any person shall be eligible to receive a license to practice **chiropractic** under this act who:

- (a) Is twenty-one years of age at the time of making application;
- (b) Is a graduate of and holds a diploma from a high school existing under the laws of this state, or holds a certificate showing that he possesses an equivalent education issued by the board;
- (c) (1) Is a graduate of and holds a diploma from an approved **chiropractic** college; (2) the board finds, upon presentation of such proof and upon such investigation as the board shall deem necessary, has received adequate and proper training and instruction in an approved **chiropractic**

college in the following subjects and in accordance with and pursuant to the following schedule of minimum educational requirements, to-wit:

Total Hours of Supervised	Total	Total Class-room	Laboratory	Hours Instruction	Hours Group
1--200 Hours Biology	100	50	50	Physics	
..... 100 50 50 Group 2--675 Hours Anatomy including					
dissection	500	250	250	Embryology	
..... 75 35 40 Histology					
100 50 50 Group 3--250 Hours Elementary Chemistry and Toxicology	100				
50 50 Physiological and Food Chemistry	150	75	75	Group 4--300 Hours	
Physiology	300	150	150	Group 5--200 Hours Bacteriology	
..... 140 70 70 Hygiene and Sanitation					
..... 60 30 30 Group 6--250 Hours Pathology					
..... 250 125 125 Group 7--280 Hours Total Hours in					
Chiropractic Therapeutic Theory	160	160		Clinics or Hospital	
Emergency Methods and Treatment (Advanced First Aid)	120	60	60	Group 8--890	
Hours Dermatology and Syphilis	45	25	20	General Chiropractic and	
Diagnosis	550	275	275	Genito-Urinary Diseases	
..... 45 25 20 Nervous and Mental Diseases					
110 60 50 Pediatrics	140	100	40	Group 9--270 Hours	
Laryngology, Otolaryngology, Rhinology	60	30	30	Ophthalmology	
..... 30 20 10 Orthopedics					
30 10 20 Physical Therapy including Electro-Therapy, X-ray, Hydrotherapy, etc. ...	150	90	60		
Group 10--285 Hours Gynecology	100	50	50	Obstetrics	
(attendance is required at 25 bedside deliveries)	165	65	100	Ethics, Jurisprudence	
..... 20 20					

Provided, that students who had matriculated in any **chiropractic** school, college or institution in this state at least three months prior to the date upon which this act becomes effective, need only, to comply with this subdivision c, present a diploma showing graduation from such college and proof of having pursued in good faith the prescribed course of instruction given therein and required for graduation, or if such person did not thereafter graduate therefrom, such person need only present a diploma showing graduation from an approved college and proof of having pursued in good faith the prescribed course of instruction or training required for graduation during such semesters or terms as he was in attendance in such college in which he so matriculated, and of having received such training as is required of other applicants hereunder in those courses which the approved college required him or should have required him to take pursuant to provisions hereof upon his transference thereto;

(d) Upon meeting the foregoing requirements, passes an examination to determine fitness to practice **chiropractic** given by the board covering the subjects hereinafter specified and who upon such examination receives an average grade of not less than seventy-five per cent in all said subjects and a grade of not less than sixty per cent in each of the following subjects to-wit:

1. Anatomy, including Histology
2. Physiology
3. Chemistry and Toxicology
4. Bacteriology
5. General **Chiropractic**
6. Diagnosis

7. Advanced First Aid, Hygiene and Sanitation

8. General Physical Therapeutics

9. Obstetrics and Gynecology

10. Pathology

Sec. 11. Any person desiring to apply for a license to practice **chiropractic**, except those applying therefor under the provisions of sections 14 and 15 hereof, must file an application with the secretary of the board at least thirty days prior to the date of the examination which the applicant desires to take. Said application shall be verified by the oath of the applicant and shall show that the applicant has all of the requirements specified in section 10 hereof, other than subdivision (d) thereof and has not committed or done any of the offenses, acts or matters specified in section 18 hereof and such other matters as the board may require. Said application shall be accompanied by a three by five inch photograph of the applicant, a photostatic copy of his high school diploma, if any, and of his diploma from a **chiropractic** college, as herein required, and a fee of twenty-five dollars. The board may make or cause to be made an investigation of the truth of the matter contained in said application and of the genuineness of any diploma so presented and may require additional proof and if it appears to said board that the applicant has not met the requirements for the taking of the examination or that a license may be refused him under section 18 hereof, the board may after a hearing, held and conducted in the manner herein prescribed, refuse to allow said applicant to take the examination.

Sec. 12. Examinations to determine fitness to practice **chiropractic**, hereinbefore referred to and required, shall be held on the first Tuesday, following the second Monday of February, June and October of each year. The February examination shall be held in Sacramento, the June examination in San Francisco and the October examination in Los Angeles. Every examination shall be conducted by a member of the board or such examiner or examiners as the board may have employed therefor each of whom shall then hold a valid license issued hereunder. The examination shall be practical in character and designed to test the fitness of the applicant to practice **chiropractic** and shall be in writing and shall cover all subjects and shall be divided into convenient periods for the giving of such test in each subject specified in subdivision d of section 10 hereof. Each applicant upon entering the examination shall be assigned a number and the identity of such person shall not be disclosed to the examiner or other person grading the examination papers. All examination papers and records shall be kept on file for a period of three years from the date of such examination.

In the event an applicant is not permitted to take an examination as herein provided or withdraws his application by notifying the board at least fifteen days prior to the date of the examination, fifteen dollars of said twenty-five dollar fee paid by the applicant shall, upon his written request, be refunded to him.

Where an applicant has taken the examination and has: either (a) failed to obtain an average grade of seventy-five per cent in all said subjects, or (b) received a grade of less than sixty per cent in not more than two subjects, which, if passed with said grade of sixty per cent would give him an average grade of seventy-five per cent, he may, by giving fifteen days written notice, take one re-examination, without charge or fee, which re-examination shall be in all subjects if he applies therefor under provision (a) hereof or in those subjects in which he so failed if he applies under provision (b) hereof, and where such person has taken such re-examination under subdivision (b) hereof and upon such re-examination failed to pass the subjects so taken and so required to be taken, he may, upon reasonable notice to the board accompanied by a fee of Twenty-Five Dollars, take a second re-examination in those subjects in which he has so theretofore failed. In no case shall an applicant who takes a re-examination be entitled to the refund of any money. In all other cases where an applicant has failed to obtain a license, after taking such examination he must make any

re-application in the same form and manner required in section 11 hereof but no such re-application can be made prior to the expiration of one year from the date of the last application hereunder.

Sec. 13. Every license issued by the board hereunder shall be designated "license to practice **chiropractic**" and upon recordation as herein provided shall authorize the holder to practice **chiropractic** as defined herein except as herein otherwise provided and to use the term "**chiropractic** physician" or any abbreviation or designation indicating that such person is practicing **chiropractic** as herein defined and in connection with and in the course of such practice to do any and all acts and things, permitted, authorized or required to be done by a or any person licensed under the state medical practice act under or pursuant to the provisions of any law relating or providing for, burial, death, birth or marriage certificates, or, vital statistics, in like manner and with like legal effect as the same may be so done by persons so licensed under said state medical practice act; provided that such persons licensed hereunder must first have registered and complied with all requirements and provisions of said laws in the same and like way or manner as is therein provided and required of persons licensed under said state medical practice act.

No **chiropractic** physician shall be refused admittance or prohibited from practicing in accordance with this Act, in any state, county or municipal institution supported in whole or in part by public taxation in like manner and with like privileges as persons licensed under the State Medical Practice Act are permitted, allowed or employed to do therein.

The practice of **chiropractic** is hereby defined as embracing the applied use and scientific application of the subjects, matters, arts, sciences, fields of learning and things taught in, covered by and embraced under all or any of the subjects specified in section 10 hereof in the diagnosis and treatment of the sick and afflicted including the treatment of injuries, diseases, deformities and other physical and mental conditions and use of any and all modalities therapeutically, including the use of any and all forms of electrical modalities, physical therapeutics, hydro-therapeutics and mechanical therapeutics in connection therewith without the administration of drugs and medicines obtainable only by prescription and without the practice of major surgery.

Sec. 14. Subject to the provisions of section 18 hereof any person is eligible to receive a license to practice **chiropractic** hereunder who:

- (1) Possesses the qualifications specified in subdivisions (a) and (b) in section 10 hereof;
- (2) Who either:
 - (a) Has a valid license to practice **chiropractic** from another state or country which has substantially the same requirements for licensing **chiropractic** as in section 10 of this act provided; or
 - (b) Who:
 - (i) Is a graduate of and holds a diploma from a **chiropractic** college in another state or county having substantially the same standards required the issuance of a certificate of approval to a school, college or institution of this state; and
 - (ii) The boards finds upon presentation of such proof and upon such investigation as the board shall deem necessary, has received adequate and proper training and instruction, in a **chiropractic** school, college or institution in another state or country having substantially the same standards as an approved college of this state, in substantially the subjects and in accordance with and pursuant to the schedule of minimum educational requirements contained in section 10 hereof; and
 - (iii) Upon meeting the last foregoing requirements (i) and (ii), passes an examination specified in subdivision d of section 10 hereof.

Sec. 15. Any person who on the date this act becomes effective was engaged in the practice of **chiropractic** under, or then held, a valid license issued under or by reason of the existence of that certain act in section 26 hereof repealed, shall, subject to the provisions of section 18 hereof, be given and granted a license under this section upon making application to the board therefor on or before sixty days after the date upon which this act becomes effective and transmitting with such application his license issued under said act herein repealed. All applications made pursuant to this section shall contain such matters as the board may require and must be accompanied by a fee of five dollars.

Sec. 16. Licenses issued under section 15 hereof shall give to the holder thereof the right to practice **chiropractic** as herein defined except and exclusive of the practice of obstetrics. The practice of obstetrics is hereby defined as embracing the applied use and scientific application of the arts, sciences, fields of learning and matters specified in group 10 of the schedule of minimum educational requirements contained in section 10 hereof. Any person eligible to receive a license as provided in section 15, shall be eligible, by making application to the board within the time and at the same time as hereinbefore provided in said section 15, containing such matters as the board may require, to receive a certificate to be attached to such license authorizing him to practice obstetrics who passes an examination given by the board embracing the subjects specified in group 10 of the minimum educational requirements contained in section 10 hereof with an average grade of seventy-five per cent in all said subjects.

No such certificate shall be issued to any person hereunder unless such person applies for and receives a license under section 15 hereof.

Sec. 16a. During the months of January and February of the year next succeeding the obtaining of any license hereunder and between said months of each succeeding year thereafter every person to whom a license has been issued hereunder must make application to the board in such form and containing such matters as the board may require for a renewal thereof which application shall be accompanied by a fee of ten dollars. Unless there be cause for refusing a renewal of the license as herein provided the secretary shall issue and mail to such applicant a renewal certificate.

Every license issued hereunder not so renewed as and within the time herein provided shall thereupon and upon the expiration of said time expire and practice thereunder, unless and until the same be reinstated as in this section provided, shall be unlawful and constitute a violation of subdivision 1 of section 22 hereof. Any expired license may be reinstated upon application made to the board containing such matters as the board may require upon payment of the following fees:

- (1) If made within one month after the date upon which such license so expires, a fee of twenty dollars;
- (2) If made within two months after the date upon which such license so expires, a fee of thirty dollars;
- (3) If made at any time after two months after the date upon which such license so expires, a fee of fifty dollars.

Sec. 16b. No license issued hereunder grants to the holder thereof the right to practice thereunder until the same is recorded in the office of the County Recorder of the and each county of this state wherein such person desires to practice.

The County Recorder shall record all licenses presented to him for recordation in a book to be kept by him for that purpose and endorse thereon the fact and date of such recordation.

Upon receipt from the board of any order affecting any license, said county recorder shall record said order in such book and endorse on the margin of the page of said book where such license was recorded, the following:

"This license was {revoked suspended} by order of the State Board of **Chiropractic** Examiners on the day of " Court decrees changing same must be recorded.

Renewal certificates need not be recorded but licenses issued upon reinstatement of a license revoked, suspended or expired, must before practice thereunder, be recorded in the manner herein provided.

Sec. 16c. Whenever a person not having a diploma showing graduation from a high school existing under the laws of this state is required to secure from the board a certificate showing that he possesses an education equivalent thereto, he may at any time apply to the board for such certificate which application shall be accompanied by a fee of ten dollars and a photostatic copy of all credentials relied on. The board shall investigate or cause to be investigated the applicant and his credentials and may require further proof of the applicant and if applicant does not hold a diploma showing graduation from a high school existing under the laws of another state or country having substantially the same requirements and standards for graduation as a high school existing under the laws of this state at the time such diploma was given, or if it does not otherwise appear that the applicant possesses an education equivalent to graduation from a high school existing under the laws of this state, said board shall give notice to such applicant of the time and place when he may take an examination to determine whether he is entitled to such certificate, which examination shall cover and embrace such subjects taught in high schools existing under the laws of this state as the board may deem proper to test whether one possesses an education equivalent to that of graduation from a high school existing under the laws of this state. If it appears that the applicant possesses an education equivalent to graduation from a high school existing under the laws of this state by examination or otherwise as herein provided the board shall issue such certificate to said applicant. No person shall make re-application hereunder until one year has expired from the date when application was first made by him and all re-applications shall be accompanied by a fee of five dollars, photostatic copies of additional credentials relied on if any and shall show all prior applications made; provided, that one who has failed to pass an examination may upon request be allowed to take one re-examination without payment of a further fee.

The board shall have power to employ, discharge, prescribe the work and duties and fix the compensation of such validating officers as it may deem necessary for the proper investigation of applicants and their credentials under this section. Said validating officers shall be exempt from all provisions of law relating to civil service.

Sec. 17. The board shall have power to, and may, upon its own motion or upon complaint of any student or person, and upon request of the owner or operator of any **chiropractic** college must, make or cause to be made an investigation and inspection of such **chiropractic** college. Upon such inspection any **chiropractic** school, college or institution may be given a certificate of approval if it appears to the board upon investigation that such **chiropractic** college:

(a) Admits as students:

(1) Only persons who hold a diploma showing graduation from a high school existing under the laws of this state or a certificate issued hereunder showing such person to possess an education equivalent thereto;

(2) Persons who transfer from an approved chiropractic college and who upon transference present credentials obtained in an approved **chiropractic** college and during the time such **chiropractic** college held a certificate of approval;

(3) Persons who transfer from a **chiropractic** college in another state or country having substantially the same standards as required for a school for approval hereunder;

(4) Persons who had matriculated in said or any **chiropractic** school three months prior to the date upon which this act becomes effective;

(b) Offers to students and requires for graduation of each student thirty six hundred hours of actual training, over a period of at least four semesters of not less than thirty-two continuous weeks each, covering adequate and proper training and instruction in each subject, in accordance with and pursuant to the schedule of minimum education requirements set forth in section 10 hereof and requires every student before giving credit toward graduation in each subject:

(1) To attend a number of hours of not less than fifty-four minutes each, in classes and periods of instruction and training in each such subject at least equal to the number of hours training in each subject as specified in said schedule;

(2) To attain a grade of not less than seventy per cent in a final examination given at the end of each such semester in each such subject specified in said schedule, provided, such **chiropractic** college may give credit toward graduation;

(i) In any subject pursued and passed in like manner by a student in another approved **chiropractic** college in this state or in a **chiropractic** college in another state or country having substantially the same standards as herein required for approval of a college;

(ii) In any subject pursued by a student in any **chiropractic** college in which he had matriculated at least three months prior to the date upon which this act becomes effective, in good faith and pursuant to the prescribed course of instruction and training given therein and required for graduation;

(c) Employs competent, qualified and reputable teachers and instructors in and for every subject specified in said schedule, a majority of whom must hold valid licenses issued hereunder and which does not employ persons to whom a license has been refused hereunder or whose license has been suspended or revoked;

(d) Has adequate facilities, laboratories, anatomical and other laboratory equipment to teach adequately and properly each said subject specified in said schedule.

All **chiropractic** colleges must after the date upon which this act becomes effective, keep a record of all students who matriculate therein and the entrance credentials of each such student and of students enrolled in each subject taught therein, of hours attended by each student in each subject in which he is so enrolled and the grade attained by each student in each subject in which he so enrolled.

Any **chiropractic** college failing to keep such records or refusing or failing to allow the board to inspect such records upon request, may be refused a certificate of approval hereunder, or if such certificate has been issued, the board may, after hearing, as herein provided, suspend or revoke the same.

If upon inspection the board finds that such **chiropractic** school, college or institution does not meet said specified requirements or if already approved has thereafter failed to maintain the same then a hearing shall be had as provided in section 19 hereof and thereafter the board by order at such hearing may refuse to issue a certificate of approval to such school, college or institution or suspend or revoke any such certificate already issued.

The board may upon hearing as herein provided refuse to issue, or if issued, suspend or revoke such certificate of approval whenever it appears that the owner or operator of such **chiropractic** college has knowingly falsely or fraudulently misrepresented to students or anyone the kind, character or quality of training and instruction offered therein.

Approved **chiropractic** colleges shall have the right to receive bodies of the unclaimed dead for the purpose of instruction and study and to obtain at the time of necropsy or inquest such material in the recent state as may be needed for scientific purposes in like manner and under the same provisions of law as such dead bodies and materials are received, secured and obtained by other institutions and persons for such purposes and the state board of health shall assign and allot the same to persons and schools, including **chiropractic** colleges, lawfully entitled thereto in the order of requests therefor received by it; and no school lawfully entitled to receive the same shall receive more than one such body until other such schools which have so requested the same have likewise received one such body.

Sec. 18. The board shall have power to refuse to issue, or renew, any license and to suspend or revoke any license issued hereunder for any of the following causes:

- (a) Conviction of a felony involving moral turpitude;
- (b) Habitual drunkenness or habitual addiction to the use of morphine, cocaine, or other habit forming drugs;
- (c) Advertising or soliciting any practice by means of known false or deceptive statements or methods;
- (d) Practicing while having an infectious, contagious or communicable disease of which one has knowledge;
- (e) Legal adjudication of insanity, or mental incompetency to manage one's property;
- (f) Practicing, or attempting to practice, or conspiring to practice, or aiding or abetting another's practicing, or endeavoring to procure practice by advertising, soliciting or other means, under any name or designation other than the true, full and correct name of such person and the name under which such person obtained his license from the board shall, unless the same be changed by a decree of a court of competent jurisdiction, be deemed such person's full, true and correct name;
- (g) Advertising, announcing, or stating, or being associated with any person or institution, or being in the employ of any person or institution, advertising, announcing or stating, directly, indirectly or in substance, by a, or in any sign, card, circular, newspaper advertisement or by or in any other written document or written form, any means, manner, way or method of the treatment or cure, or where, or at what place or institution, the treatment or cure can be obtained, or by whom the treatment or cure is or will be given, of any venereal disease, lost manhood, sexual weakness, disorder or disease of the sexual organs, or advertising, announcing or stating, or being associated with any person or institution, or being employed by any person or institution, advertising, announcing or stating in any manner aforesaid, any means, manner, way or method whereby the menses or monthly period of women can be regulated or disorders thereof treated or cured or reestablished if suppressed;
- (h) Practicing, attempting to practice, conspiring to practice, or aiding or abetting in another's practicing, or endeavoring to procure practice, by advertising, soliciting or other means in violation of or without a license issued under that certain act herein in section 26 hereof repealed during the time said act and licenses issued thereunder were in effect;

- (i) Malpractice;
- (j) Incompetency;
- (k) Violation of the provisions of any subdivision of section 22 hereof.

Nothing in this section contained by enumerating the causes of refusal to issue a license shall be construed as authorizing, validating, legalizing, confirming or exempting anyone from any penalty or criminal liability of this or any other law of this state for practicing **chiropractic** after sixty days from the day upon which this act becomes effective without a license issued hereunder or prior thereto without a license issued under or by reason of the existence of that certain act in section 26 hereof repealed during the time the same or any license issued under said latter act is or was in effect.

Sec. 19. The board shall not refuse to issue or renew a license to any person or suspend or revoke any license or refuse to issue or revoke a certificate of approval of any **chiropractic** school, college or institution or refuse to permit any applicant to take the examination specified in section 10 hereof unless before taking such action the board shall have given reasonable notice thereof to such person affected thereby containing a statement of the matters complained of and specifying a time and place where such person may appear before the board and show cause why such adverse action should not be taken. At such hearing the accused may be represented by counsel. The board shall have power to require the attendance of witnesses and the production of any books, records and papers and to take or cause the deposition of a witness residing within or without the state to be taken before an officer authorized to administer oaths; the board shall have power to issue subpoenas for the attendance of witnesses and the production of any books, records and papers at any hearing before the board or at the time and place fixed for the taking of the deposition of any witnesses. The fees and mileage of witnesses and the officer or person serving subpoenas shall be the same as in a civil action. The board shall not be bound by the common law or statutory rules of evidence and procedure but may make inquiry in such manner as is best calculated to ascertain the substantial rights of those concerned and to carry out the provisions of this act. No order or action of the board shall be invalidated because of the admission into the record and use as proof of any fact in dispute of evidence not admissible under said common law or said statutory rules of evidence and procedure. Any hearing authorized herein may be held before the board or any member thereof. Upon such hearing the board shall consider the evidence and within thirty days after the date of the hearing by affirmative vote of three members of said board make and render its decision and enter its order in the docket kept of such proceedings. Rehearings shall not be allowed. The board may stay any order from taking effect for a period of not exceeding thirty days after the making and entering of the same. If the decision be favorable to the accused the board shall forthwith grant such person the proper relief.

Sec. 20. Whenever any decision or order of said board is subject to review in any court by reason of the express or inherent jurisdiction vested in such court under the constitution of this state any party aggrieved may within thirty days after the entry of said order petition for a writ of review thereof to such court in accordance with the provisions hereof and part three, title 1, chapter 1 of the Code of Civil Procedure of this state. Upon the hearing thereof, or in any action or proceeding against the board for the issuance of a writ of mandate, prohibition, injunction or other remedy where the same lies in any court by reason of the such jurisdiction so vested in such court under the constitution of this state, the burden of proof shall lie upon the petitioner and the court shall receive any competent, relevant, pertinent, and material evidence concerning the action or conduct of said board and its officers, members and employees but the court shall be limited to a consideration and determination of the question whether there has been an abuse of discretion on the part of the board or its members, officers, or employees.

Legal actions, petitions and proceedings against the board must, except in so far as jurisdiction is expressly or inherently vested in another court under the constitution of this state, be

commenced, tried and heard in the Superior Court of the State of California, in and for the City and County of San Francisco, the County of Los Angeles or the County of Sacramento, and in cases seeking to review a hearing in that county where the hearing to be reviewed was had and in all other cases in any such county wherein the board maintains an office and in which the petitioner or complainant resides or which is in closest proximity to his place of residence.

Sec. 21. After hearing held and had for or concerning the suspension or revocation of a license the board may, if its decision is unfavorable to the accused, order a suspension of his license and practice thereunder for a fixed period of time and prescribe terms for the reinstatement thereof.

In all cases where a license and practice thereunder is ordered suspended the person whose license is so suspended may after the expiration of the time prescribed in the order make application to the board in such form and containing such matters as it may require for a reinstatement of said license, which application must be accompanied by a fee of \$25.00.

After any hearing held and had for or concerning the revocation of any license the board may in ordering the revocation prescribe terms for the reinstatement thereof.

After the expiration of any time prescribed in the order within which application for reinstatement can not be made, the person whose license has been revoked may make application to the board for a reinstatement of said license. All applications for reinstatement of licenses shall be in such form and contain such matters as the board may require and must be accompanied by a fee of twenty-five dollars.

Upon receipt of any application for reinstatement, of license under this section, the board shall make such investigation as it may deem necessary and if it appear to the board that the applicant:

- (1) Has complied with the terms of the order;
- (2) Has not practiced under such license so suspended or revoked;
- (3) Has the qualifications for the issuance of a license under section 10 hereof;

(4) Gives evidence of good faith, moral character, reputability and stability and intentions to comply with this act and refrain from violating any of its provisions or subsequently doing any act specified in section 18 as ground for the suspension or revocation of a license, the board shall reinstate the license of such person which shall entitle such person to practice. If upon such investigation it does not appear that applicant is entitled to reinstatement the board may after hearing had in the manner provided in section 19 hereof revoke any license suspended or continue in effect any previous order of revocation.

In any hearing held for or concerning the revocation of a certificate of approval of any **chiropractic** college the board may, if the cause charged be a violation of subdivisions a, b, c, or d of section 17 hereof, grant a reasonable continuance of said hearing to enable such college to meet said required standards. Whenever a certificate of approval is revoked a new certificate of approval shall not be issued unless upon a requested investigation it appears to the board that:

(1) Such school has the required standards specified in subdivisions a, b, c, and d of section 17 hereof;

(2) Has not since the revocation of its certificate violated the provisions of subdivision 8 of section 22 hereof and if a violation of said latter subdivision of said section was the cause of revocation the owner or operator must give satisfactory evidence of moral character, reputability and intent to refrain from further such acts and violations of this act.

Sec. 22. Each of the following shall constitute a misdemeanor punishable upon conviction by a fine of not less than \$25.00 nor more than \$500.00 or imprisonment of not less than one month or more than one year in the county jail or both such fine and imprisonment:

(1) Practicing, attempting to practice, conspiring to practice, or aiding or abetting in another's practicing, or endeavoring to procure practice, by advertising, soliciting or other means sixty days after the date upon which this act becomes effective without a valid license issued under the provisions of this act;

(2) Purchasing, selling, bartering, offering for sale, or attempting to buy, or wilfully or fraudulently altering, or attempting to alter, or conspiring to fraudulently procure or alter, or aiding or abetting in another's fraudulently procuring or altering, any degree, diploma or credential from any **chiropractic** college, or any license issued hereunder, or any document, paper, transcript, or testimony of any person, to be used or used at any hearing held by the board hereunder, or in making any application to the board hereunder;

(3) Procuring, or attempting to procure, or conspiring to procure, or aiding or abetting in another's procuring, any license to practice by any false or untrue statements made in any application or to the board or any member thereof or by presenting any diploma or credential of which such person is not the lawful holder or by using fictitious diplomas or credentials or by taking or attempting to take any examination for any other person or under any other person's name or giving to or securing from any person any information in an examination or using or attempting to use or obtaining any information from books, papers or by other fraudulent means in an examination;

(4) Impersonation of any person holding a valid license or of any person with intent to fraudulently solicit or procure practice;

(5) Knowingly allowing or permitting or conspiring to allow or permit any other person to use or practice or attempt to practice under his license or name;

(6) Employing, or practicing with, or in association with, or aiding and abetting any practice by, any person not holding a valid license issued hereunder;

(6a) Practicing, or attempting to practice, or soliciting practice, or conspiring to practice, or aiding or abetting in another's practicing, or endeavoring to procure practice in any county of this state without having first recorded his license in such county;

(7) Impersonation of any member or officer of said board or any agent, inspector or other person employed by it;

(8) Knowingly fraudulently or falsely misrepresenting to students or anyone the kind, character or quality of training and instruction offered in any **chiropractic** college.

All moneys, forfeited bail and fines received under the operation of this act shall be paid by the person lawfully receiving the same as follows:

(a) Seventy-five per cent to the state treasurer to be deposited in the state board of **chiropractic** examiners fund herein created;

(b) Twenty-five per cent to the county treasurer of the county in which the prosecution is conducted.

Several violations of this act or violations of this act and of any other similar law relating to, regulating, policing or safeguarding the public health, whether the same consists of the doing of a

single or several unlawful acts, may be charged in separate counts of the same accusation, complaint, indictment or information or any such violation of this act or any such said other acts, may be prosecuted separately.

Sec. 23. All moneys received by or on behalf of the board under this act shall be paid to or deposited with the secretary of the board, who shall give a receipt therefor, and the secretary shall at the end of each month report to the state controller the total amount of money received by him for or on behalf of the board from all sources, and shall at the same time deposit with the state treasurer the entire amount of such receipts, and the state treasurer shall place the money so received in a special fund to be known as the "state board of chiropractic examiners' fund," which fund is hereby created. Upon the date upon which this act becomes effective the state treasurer or other person having or holding any moneys received under that certain act in Sec. 26 hereof repealed, and placed or deposited in or credited to or which should have been placed, deposited in, or credited to that certain fund known as the state board of **chiropractic** examiners' fund created in said act in Sec. 26 hereof repealed, shall be transferred to, placed and deposited in and credited to the state board of chiropractic examiners' fund herein created.

Sec. 24. All expenses of administration and enforcement of this act including the per diem compensation, traveling and incidental expenses of the members of the board and the salary and travelling expenses of the secretary and the premium on all bonds required hereunder and all expenditures and expenses of the board shall be paid out of the state board of **chiropractic** examiners' fund and not from any other state funds in the same manner as moneys are paid from other similar funds in the state treasury upon the presentation of claims therefor audited, allowed and approved by said board. An amount not to exceed the sum of one thousand dollars may be drawn by the board from said fund to be used as a revolving fund where cash advances are necessary; but expenditures from such revolving fund must be substantiated by vouchers and itemized statements at the end of each fiscal year or at any other time when demand is made therefor by the state department of finance or by the state controller.

Sec. 25. Any person having a claim against the state or the board existing under that certain act in Sec. 26 hereof repealed, as and for money paid to said board as a license fee where such person received no license under said act so repealed, may, within four years from the date upon which this act becomes effective, present the same to the board by instrument in writing showing the facts constituting the claim, verified in the same manner as complaints in civil actions. Before finally passing upon any such claim, notice of the time and place of hearing must be mailed to the claimant at least fifteen days prior to the date set for final action. At the time designated the board must proceed to examine and approve or reject the same. It may hear evidence in support of or against them and, with the sanction of the governor, report to the Legislature such facts and recommendations concerning them as may be proper. In making such recommendations the board may take and use any official or personal knowledge which any member thereof may have touching such claims. No assigned claim shall be presented or considered by said board.

All such moneys so paid under said act so repealed which may be unclaimed at the end of said four year period shall escheat to the state and be deposited in and credited to the state board of **chiropractic** examiners' fund herein created.

Sec. 26. That certain act entitled "An act prescribing the terms upon which licenses may be issued to practitioners of **chiropractic**, creating the state board of **chiropractic** examiners and declaring its powers and duties, prescribing penalties for violation hereof, and repealing all acts and parts of acts inconsistent herewith," submitted by the initiative and approved by electors November 7, 1922 and in effect December 21, 1922, and found in the statutes of California of 1923 at page XX is hereby repealed.

Sec. 27. All acts, conduct and work done and licenses issued by persons who, as appointees of the governor under that certain act in sec. 26 hereof repealed, exercised the powers, functions,

duties, responsibilities and jurisdiction of or acted as members of or de facto members of that certain board created and provided for in said act so repealed, are and each thereof is, in so far as the same were done or such licenses were issued in accordance with the provisions of said repealed act, hereby adopted, approved, confirmed, validated, ratified, legalized and made fully and completely effective and of the same force and effect as if the same had been done or such license had been issued by a de jure board or board composed of de jure members. Such licenses shall remain in full force and effect until sixty days after the date upon which this act becomes effective.

In any civil action commenced after the date upon which this act becomes effective for work or services done, rendered, furnished, or performed under such license, whether the same was so done, rendered, furnished, or performed subsequent or prior to the date upon which this act becomes effective, it shall be no defense that such license, if otherwise valid, was issued by any board whose acts, conduct and work done and licenses issued by the same are herein and hereby adopted, approved, confirmed, validated, ratified, legalized and made fully and completely effective and of the same force and effect as if the same had been done or such licenses had been issued by a de jure board or board composed of de jure members.

Sec. 28. All acts or parts of acts in conflict herewith are hereby repealed. Nothing herein contained shall be construed as repealing the "state medical practice act" approved June 2, 1913, or any act amendatory thereof or supplemental thereto; provided, nothing in this section contained shall be construed as requiring any person licensed hereunder and practicing **chiropractic** under such license as herein defined to secure a license under said medical practice act or as requiring any person licensed under said medical practice act to practice the things therein specified without obtaining a license hereunder, and if a person secures a license hereunder and complies with the provisions of this act he shall not be prosecuted under the state medical practice act and if any person secures a license and complies with the provisions of the state medical practice act he shall not be prosecuted under this act.

Sec. 29. Whenever the following terms, words and phrases are used in this act, the same shall unless a different meaning appears from the context have the following meanings:

A "valid license" shall refer to a license lawfully and regularly obtained under the provisions of this act which is then unexpired and which has not been suspended or revoked by any order made as herein provided.

A "**chiropractic** college" or "school" or "college" shall refer to a school, college, institution or other place of learning, training or purporting to train one for the practice of **chiropractic** as herein defined.

"Practice" shall refer to the practice of **chiropractic** as herein defined.

"Board" shall refer to the state board of **chiropractic** examiners.

Sec. 30. This act shall be known and cited as the "**Chiropractic** Practice Act of 1930."

Sec. 31. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional such decision shall not effect the validity of the remaining portion of this act. The people hereby declare that they would have passed this act, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one (or) more sections, subsections, sentences, clauses or phrases be declared unconstitutional.